

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. MELVIN HARRIS	:	CIVIL ACTION
	:	
v.	:	
	:	
COLEMAN HALL, <u>et al.</u>	:	NO. 05-4882

M E M O R A N D U M

BRODY, J. SEPTEMBER , 2005

Plaintiff, an inmate, is seeking to bring a pro se 42 U.S.C. § 1983 civil rights action without prepayment of fees. He is alleging that the defendants discriminated against him, and that he is illegally incarcerated.

Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he is in imminent danger of serious physical injury at the time that the complaint is filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has, prior to the instant action, filed three civil actions in a federal court which were dismissed as frivolous.¹ Furthermore, nothing in this complaint suggests that plaintiff is in imminent danger of serious physical injury. Accordingly,

¹ The three civil actions filed by plaintiff were as follows: 1) Civil Action No. 95-3769 was dismissed as frivolous by order of this Court filed June 26, 1995; 2) Civil Action No. 94-5473 was dismissed as frivolous by order of this Court filed September 22, 1994, and 3) Civil Action No. 93-6822 was dismissed as frivolous by order of this Court filed December 23, 1993.

plaintiff's motion to proceed in forma pauperis will be denied.

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O R D E R

AND NOW, to wit, this day of September, 2005, in
accordance with the accompanying memorandum, **IT IS ORDERED** that
plaintiff's motion for leave to proceed in forma pauperis is **DENIED**
pursuant to 28 U.S.C. § 1915(g).

BY THE COURT:

ANITA B. BRODY, J.

